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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,597	10/24/2003	Hsien-Chang Lin	4459-0154P	7298
2292	7590	03/29/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			GARRETT, DAWN L	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			1774	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,597

Applicant(s)

LIN ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-12,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to the amendment dated January 4, 2005. Claims 1, 4, 5, 11, 12, and 15 were amended. Claims 2, 6, 13, and 16-21 are cancelled. Claims 1, 3-5, 7-12, 14, and 15 are pending.
2. The rejection of claims 4, 11, 15 and 21 under 35 USC 112, second paragraph, set forth in the last Office action, paragraph 2, is withdrawn due to the amendment of claims 4, 11, and 15 and the cancellation of claim 21.
3. The rejection of claims 1-4 under 35 USC 102(b) as being anticipated by Kawami et al. (US 5,882,761) is withdrawn due to the amendment.
4. The rejection of claims 4, 5, and 7-11 under 35 USC 103(a) as being unpatentable over Kawami et al. (US 5,882,761) is withdrawn due to the amendment.
5. The rejection of claims 2, 6, 13, and 16-21 under 35 USC 102(e) as being anticipated by Takahashi et al. (US 2002/0015818) is withdrawn due to the cancellation of these claims.
6. Claims 1, 3-5, 7-12, 14 and 15 are again rejected under 35 USC 102(e) as being anticipated by Takahashi et al. (US 2002/0015818). It is further noted that an organometallic layer (comprising CuPc) (38) directly contacts cathode layer (36) in the Figure 3 embodiment of Takahashi et al. (see Figure 3 and par. 105).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 7 requires the drying film to face the second electrode; however, the parent claim as now amended requires the drying film to directly contact the second electrode. It is not seen how the drying film can both face the second electrode and directly contact the second electrode. Clarification and/or correction are required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

11. Claims 1, 3-5, 7-12, 14, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Jou et al. (US 6,762,554). Jou et al. disclose a device comprising a sealing layer (48) over a substrate (41), the transparent electrode (43), the organic layer (45), the opposed electrode (47), and the drying film (49) (see col. 4, lines 19-24). The sealing layer (48) reads upon the “lid” of claims 1 and 5 and the “passivation film” of claim 12. The drying film (49) deposited directly on a second electrode reads upon the “drying film”. The drying film is comprised of alkaline earth metal oxides per the claim 4, 11, and 15 requirements (see col. 4, lines 10-13). The drying film is deposited by an evaporation type process per claims 8 and 9, although the heating temperature is lower than previously reported methods (see col. 4, lines 26-35).

Response to Arguments

12. Applicant's arguments filed January 4, 2005 have been fully considered but they are not persuasive. The arguments with regard to Kawami, U.S. Patent No. 5,882,761, are now moot in light of the withdrawal of all rejections over Kawami. With regard to the rejection over Takahashi, applicant states Takahashi fails "to teach the drying film is deposited on the second electrode and directly contacts the second electrode as recited in claims 1, 5, and 12". The examiner notes that Takahashi teaches a film of CuPc, an organometallic material, that directly contacts the cathode electrode layer (see Figure 3 and par. 105). An organometallic material is set forth in dependent claims 4, 11, and 15 as a material of the drying film.

The examiner further notes that the added limitations to amended independent claims 1, 5, and 12 are of a scope not previously considered. The prior claims did not recite a drying film directly contacting the second electrode.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571)272-1523. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dawn Garrett
Primary Examiner
Art Unit 1774

D.G.
March 23, 2005